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7 *Creditors*

General Counsel for Chapter 11 Trustee

8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SANTA ANA DIVISION**

10 In re:

Chapter 11

11 THE LITIGATION PRACTICE GROUP,
12 P.C.,

Case No. 8:23-bk-10571-SC

13 Debtor.

**DECLARATION OF RICHARD A.
MARSHACK IN SUPPORT OF
APPLICATION FOR ORDER SETTING
HEARING ON SHORTENED NOTICE**

[No Hearing Required under LBR 9075-1(b)]

DECLARATION OF RICHARD A. MARSHACK

I, Richard A. Marshack, declare as follows:

1. I am the chapter 11 trustee appointed in the bankruptcy case of The Litigation Practice Group P.C. (the “Debtor”) pending before the United States Bankruptcy Court for the Central District of California (the “Court”) under the case captioned, *In re The Litigation Practice Group P.C.*, Case No. 8:23-bk-10571-SC (the “Bankruptcy Case”). I make this declaration in support of the *Application for Order Setting Hearing on Shortened Notice* (the “Application”) filed concurrently herewith and related to the *Joint Motion of the Chapter 11 Trustee and the Official Committee of Unsecured Creditors for: (I) Approval of Modified Confirmation Deadlines; (II) Approval of Forms of Notice and Ballots Related to Confirmation; and (III) Entry of Modified Order Approving First Amended Disclosure Statement, Confirmation Procedures, and Granting Related Relief* (the “Motion”)¹ and for all other purposes authorized by law.

2. In my capacity as chapter 11 trustee, and except as otherwise indicated, I have personal knowledge of the facts set forth below, and if called as a witness I could and would competently testify to the matters set forth in this declaration.

3. I have reviewed the Court’s order [Docket No. 1285] denying entry of the Disclosure Statement Order as presented. The Plan Proponents file this Motion to address the issues raised by the Court in its order.

4. I believe that consideration of the limited issues raised in the Motion is necessary on an expedited basis to preserve the value of the estate by avoiding delay to confirmation to the extent practicable. The liquidation analysis appended to the Disclosure Statement reflects the Plan Proponents’ assessment that Holders of General Unsecured Claims are likely to realize a recovery in this Bankruptcy Case. The estimated recovery, however, is subject to material variances contingent upon, among other things, the administrative expense of the Bankruptcy Case, which continues to accrue preconfirmation. In light of the potential recoveries in this Bankruptcy Case, the Plan Proponents submit that moving expeditiously toward confirmation is appropriate, necessary, and in

¹ Unless otherwise defined herein, all capitalized terms have the definitions set forth in the Motion.

1 the best interests of the Estate and Holders of Claims.

2 5. I understand that a hearing on the Motion is necessary to cure issues raised by the
3 Court in its order and submit that the proposed timeline will not prejudice objecting parties. As set
4 forth in the order, the Court provided that those parties that objected to the Disclosure Statement
5 Motion “must be afforded the opportunity to review and be heard on” “an extension of the affected
6 confirmation dates and approval of the form of notices.” As these matters do not pertain to approval
7 of the Disclosure Statement, which the Court already approved as having adequate information, the
8 LBRs require only a 21-day notice period with objections effectively due 7 days after the filing of the
9 Motion. The Plan Proponents propose that parties affected by the relief requested in the Motion have
10 seven days to oppose the Motion (consistent with the LBRs) following the date it is filed. The Plan
11 Proponents request that any replies be presented a hearing on the Motion to be held as soon as
12 practicable following the objection deadline. Accordingly, I believe that a shortened notice hearing
13 on the limited issues raised in the Motion will not prejudice objecting parties who will still be
14 accorded sufficient time to object.

15 6. I also understand that the Monitor, Nancy Rapoport, is working on an independent
16 report concerning the day-to-day activities of the buyer, MLG, and its compliance with its ethical
17 obligations that should be filed shortly.

18 I declare under penalty of perjury that the foregoing is true and correct.

19 Dated this 5th day of June, 2024, in Irvine, California.

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21 _____
22 Richard A. Marshack
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 900, Los Angeles, CA 90067.

A true and correct copy of the foregoing documents entitled: DECLARATION OF RICHARD A. MARSHACK IN SUPPORT OF APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 6/5/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Bradford Barnhardt bbarnhardt@marshackhays.com, bbarnhardt@ecf.courtdrive.com, alinares@ecf.courtdrive.com
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- Johnny White JWhite@wrslawyers.com, jlee@wrslawyers.com
- Reina Zepeda rzepeda@omniagnt.com

2. SERVED BY UNITED STATES MAIL: On 6/5/2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows.

Debtor

The Litigation Practice Group P.C.
17542 17th St., Suite 100
Tustin, CA 92780

See attached for additional parties

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 6/5/2024, I served the following persons and/or entities by personal delivery, mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Scott C. Clarkson
United States Bankruptcy Court, Central District of California
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

6/5/2024

Kimberly Hoang

/s/ Kimberly Hoang

Date

Printed Name

Signature

Additional Parties Served by U.S. Mail

Creditors who have the 20 largest unsecured claims

Debt Validation Fund II, LLC
5075 Lower Valley Road,
Atglen, PA 19310

MC DVI Fund 1, LLC; MC
DVI Fund 2, LLC
598 Cottonwood Dr.,
Glenview, IL 60026

Validation Partners LLC
1300 Sawgrass Pkwy, Ste. 110
Sunrise, FL 33323

Marich Bein LLC
99 Wall Street, Ste 2669
New York, NY 10005

Business Centers of America
1100 Sir Francis Drake Blvd,
Ste 1, Kentfield, CA 94904

JP Morgan Chase
3 Park Plaza, Ste 900
Irvine, CA 92614

CA Franchise Tax Board
PO Box 942857
Sacramento, CA 94257-0511

Outsource Accelerator Ltd
City Marque Limited
Unit 8801-2 Bldg. 244-248
Des Voeux Rd.
Central Hong Kong

Collaboration Advisors
400 Dorla Court
Zephyr Cove, NV 89448

1 Anthem Blue Cross
PO Box 511300
2 Los Angeles, CA 90051-7855

3 Azevedo Solutions Groups, Inc.
420 Adobe Canyon Rd.
4 Kenwood, CA 95452

5 Debt Pay Pro
1900 E Golf Road, Suite 550
6 Schaumburg, IL 60173

7 Sharp Business Systems
8670 Argent St
8 Santee, CA 92071

9 Tustin Executive Center
1630 S Sunkist Steet, Ste A
10 Anaheim, CA 92806

11 Exela Enterprise Solutions
2701 E. Grauwyler Road
12 Irving, TX 75061

13 Netsuite-Oracle
2300 Oracle Way
14 Austin, TX 78741

15 Credit Reporting Service Inc
548 Market St, Suite 72907
16 San Francisco, CA 94104-5401

17 Document Fulfillment Services
2930 Ramona Ave #100
18 Sacramento, CA 95826

19 Executive Center LLC
5960 South Jones Blvd
20 Las Vegas, NV 89118

21 LexisNexus
15500 B Rockfield Blvd
22 Irvine, CA 92618

23

Secured Creditors

24

Diverse Capital LLC
25 323 Sunny Isles Blvd., Suite 503
Sunny Isles, FL 33154

26

City Capital NY
27 1135 Kane Concourse
Bay Harbour Islands, FL 33154

28